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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,569	07/31/2001	Thomas Blakeley	604.14-US1	4695

34284 7590 06/06/2003

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EXAMINER
GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 06/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/890,569	BLAKELEY ET AL.	
	Examiner	Art Unit	
	Clement B Graham	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 July 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *4* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patent ability shall not be negatived by the manner in which the invention was made.

3. Claims 1-12, are rejected under 35 U.S.C. 103(a) as being unpatentable over (Stewart (U. S. Patent No 6,104,722) in view of Kohorn (U.S. Patent No 5, 508, 731).

As per claim 1, Stewart discloses a method of virtual prospecting comprising;

the third party (i. e." first node"). Stewart discloses electronically communicating the commercial to the prospect (i. e. "second node") the prospect making a response to the commercial. (Se column 8 lines 55-60). Stewart also discloses the third party tracking (i.e. control node see column 2 line 40). Stewart also discloses the response, and the third party reporting back to the advertiser with information relating to the response to the commercial. (See column 8 lines 45-60). Stewart do not explicitly teach an advertiser manually selecting an individual prospect and an individual commercial, and identifying the selection to a third party.

However Kohorn discloses providing a member of the audience with a means for entering a response to a situation viewed on the television screen and/or heard via the speaker, not accepting (rejecting) or accepting, evaluating and scoring such response,

recording such response, and outputting a temporary or permanent record of the response, and a permanent record is in the form of the card, which form is machine readable to facilitate a reading of the score and/or response by either a third party or the host. (See column 18 lines 10-15). Kohorn also discloses communicating the identities of a winner selection station. (See column 128 lines 40-50).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Stewart to include Kohorn in order to perform the steps of an advertiser manually selecting an individual prospect and an individual commercial, and identifying the selection to a third party. The benefit would have been for the third party to transmit the selection decision information that was made by the advertiser to the individual prospect, and retransmitting a response from the prospect to the advertiser.

As per claim 2, Stewart and Kohorn do not explicitly teach the advertiser selecting the prospect from a prospect list.

However an advertiser selecting the prospect from a prospect list is old and well known in the art of. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include selecting the prospect from a prospect list.

The benefit would have been to select a prospect based on their advertisement needs.

As per claim 3, Stewart and Kohorn do not explicitly teach the step of narrowly selecting includes the advertiser selecting the commercial from a list of available commercials.

However narrowly selecting includes the advertiser selecting the commercial from a list of available commercials is old and well known in the art advertisement.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the step of selecting includes advertiser selecting the commercial from a list of available commercials.

The benefit would have been to select best commercial from the available commercials.

As per claim 4, Stewart and Kohorn do not explicitly teach do not explicitly teach the method of claim 1 wherein the commercial is an executable file.

However the commercial into an executable file is old and well known in the art.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the step of the commercial into an executable file.

The benefit would have been to convert the commercial in to a executable file for transmission or access to that executable.

As per claim 5, Stewart and Kohorn do not explicitly teach the commercial includes an identification code.

However the commercial includes an identification code is old and well known in the art.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made include identification code in a commercial.

The benefit would have been to identify the commercial among other commercials.

As per claim 6, Stewart and Kohorn do not explicitly teach the commercial is communicated to the prospect as an attachment to an e-mail.

However commercial is communicated to the prospect as an attachment to an e-mail is old and well known in the art of communication.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to communicate a commercial to a prospect as an attachment to an e-mail.

The benefit would have been to communicate or transmit a commercial to prospect.

As per claim 7, Stewart and Kohorn do not explicitly teach the commercial includes a hyperlink to a web site.

However commercial includes a hyperlink to a web site is old well known in the art.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a web site.

The benefit would have been a commercial to be viewed on a web site thereby attracting a larger volume of viewers for a financial gain of the advertisers.

As per claim 8, Stewart and Kohorn do not explicitly teach the step of tracking includes determining whether a commercial is opened.

However determining whether a commercial is opened is old and well known in the art monitoring.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the step of tracking in order to determine if a commercial is opened.

The benefit would have been to ascertain the status of a commercial.

As per claim 9, Stewart and Kohorn do not explicitly teach Stewart and Kohorn do not explicitly teach the step of tracking includes initiating a substantially synchronous link between the prospect and the agent.

However the step of tracking includes initiating a substantially synchronous link between the prospect and the agent is old and well known in the art communication.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include link between the prospect and the agent.

The benefit would have been to for the agent to communicate information to the prospect and the response from the prospect based on the communication from the agent.

As per claim 10, Stewart and Kohorn do not explicitly teach the substantially synchronous link comprises a telephone call.

However substantially synchronous link comprises a telephone call is old and well known in the art of communication.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a telephone call.

The benefit would have been the use of a telephone for communication purposes.

As per claim 11, Stewart and Kohorn do not explicitly teach the substantially synchronous link comprises a chat site.

However substantially synchronous link comprises a chat site is old and well known in the art.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a chat site.

The benefit would have been for viewers to share their views on the chat site.

As per claim 12, Stewart and Kohorn do not explicitly teach the step of reporting back includes providing the advertiser with a sorting of prospects by action.

However the step of reporting back includes providing the advertiser with a sorting of prospects by action is old and well known in the art.

There it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the step providing the advertiser with a sorting of prospects by action.

The benefit would have been for the advertiser to receive a response from the prospect.

Conclusion

4. The prior art of record and not relied upon is considered pertinent to Applicants disclosure.

Kohorn (US 6,443,840 Patent) teaches evaluation orf reaponses of participatory broadcast audience with prediction of winning contestanta monitoring checking and controlling of wagering and automatic crediting and couponing..

Malackowski et al (US Patent 6,411,803) teaches system and method of providing service information to a subscriber through a wireless device.

Malackowski et al (US Patent 6,397, 057) teaches a system and method of providing advertising information to a subscriber through a wireless device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

May 30, 2003.

HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600